IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 3443 of 2007(I)

PETITIONER:

PERUMAL PILLAI, S/O.MAYANDI PILLAI,
AGED 81 YEARS, KUNNEMMEL VELY,
CHERTHALA NORTH MURI OF CHERTHALA NORTH VILLAGE,
CHERTHALA TALUK.

BY ADV. SRI.T.JAYAKRISHNAN

RESPONDENT:

CHERTHALA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
MUNICIPAL OFFICE, CHERTHALA.

BY ADV. SRI.J.OM PRAKASH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Pius C. Kuriakose, J.

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W.P.(C) No. 3443 of 2007

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Dated this the 14th day of December, 2007

JUDGMENT

A commercial building belonging to the respondent Municipality occupied by tenants was reconstructed. Grievance of the petitioner, who was conducting business in the old building, is that a room has not been allotted to him in the building, which has now been reconstructed. It is stated that there were 11 tenants and as a former tenant, the petitioner is entitled to one room. The respondent Municipality has filed a detailed counter affidavit wherein it is stated that an opportunity was afforded by the Municipality to all the tenants for allotment of the rooms. It is also stated that a decision was taken to give rooms without auction to the shop men, who were conducting business in the rooms facing the road on deposit Rs.2 lakhs and who were conducting business in the inner side rooms on deposit Rs.40,000/-. It is further stated that only four persons deposited Rs.2 lakhs each and five persons deposited 40,000/-each and the petitioner has not deposited any amount. According to the Municipality, now only there are three rooms with direct frontage of the main road are available and there are four claimants. Three persons had filed O.S. Nos. 863, 869 and 871 of

2006. which are pending before the Munsiff's Court, Cherthala. The Municipality proposes to request the learned Munsiff to refer the suits to the adalat, so that a reasonable solution can be brought forth.

2. Heard both sides.

3. Since it is not disputed before me that the petitioner as well as the other three persons who have approached the Munsiff's Court, Cherthala are similarly placed, I am of the view that the issues between the petitioner and other three persons who are not parties in this writ petition will have be resolved if possible in the adalath or in any other A.D.R. Mechanism.

4. Under these circumstances, I dispose of this writ petition directing the Munsiff Court, Cherthala to refer O.S. Nos. 863, 869 and 871 of 2006 to the earliest available adalath. I also direct that in the said adalath, the claim of the present petitioner also shall be considered along with the claim of the plaintiffs in those cases. If settlement is not possible, the adalath will identify the three persons by draw of lots. Needful will be done by the Munsiff at the earliest within three weeks from the date of receipt of a copy of this judgment.

5. Hand over a copy of this judgment to both sides.

Pius C. Kuriakose,
Judge.

mn.